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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,787	08/15/2000	Kenneth A. Parulski	81469DAN	1304

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EXAMINER

EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/638,787	Applicant(s) PARULSKI ET AL.	
	Examiner Saeid Ebrahimi-dehKordy	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40, 42 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40, 42 and 44-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's arguments filed 11/19/2004 have been fully considered but they are not persuasive. Applicant argues that the communication with the network for remote printing at the remote printing site enables the graphical user interface to display a plurality of photo-products that can be fulfilled at the remote printing site. Examiner points out Monty et al, page 10 paragraph 0085 lines 38-64 and specifically lines 56-64 where Monty et al teach the way the products were chosen through the pushbutton 32 which were displayed on the display unit 34, the term photo- product used in the claim language is interpreted by the examiner as the number of the copies or print size parameter or setting of the brightness are the photo –products which could be fulfilled on the fulfilled center.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-38 and 42 and 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Monty et al (Pub. No.: US 20020029416)

Regarding claim 1 Monty et al disclose: A digital printer for producing hardcopy prints (please note Fig.1 item 13) the printer comprising: a) a marking apparatus adapted to provide images on a print (please note Fig.8 item 22 the proof sheet that prints images on the paper, page 3 paragraph 0031 lines 7-9 b) a digital medium

Art Unit: 2626

interface for transferring images from a digital storage medium which stores a plurality of digital images (please note Fig.1 item 20 which transfers digital images from the camera 12 to the printer, page 3 paragraph 0031) c) a network connection for communicating with a network (please note Fig.8 item 205 where the printer 14 connects to the network, page 10 paragraph 1-8) and d) a graphical user interface having user controls (please note Fig.8 items 32 and 34, page 3 paragraph 0034). said graphical user interface being adapted to select a digital image stored on the digital storage medium (please note page 3 paragraph 0031 where the images are selected by the user) and selectively communicate with both the marking apparatus for local printing of the selected image and the network for remote printing of the selected image (please note Fig.8, page 3 paragraph 0036 and page 10 lines 1-8) at a remote printing site, wherein communication with the network for remote printing at the remote printing site enables the graphical user interface to display a plurality of photo-products that can be fulfilled at the remote printing site (page 10 paragraph 0085 lines 38-64 and specifically lines 56-64 where Monty et al teach the way the products were chosen through the pushbutton 32 which were displayed on the display unit 34, the term photo- product used in the claim language is interpreted as number of the copies or print size parameter or setting of the brightness are the photo –products which could be fulfilled on the fulfilled center).

Art Unit: 2626

Regarding claim 2 Monty et al disclose: A printer according to claim 1, further comprising a color image display for viewing the transferred images (please note Fig.8 item 34 page 3 paragraph 0034).

Regarding claim 3 Monty et al disclose: A printer according to claim 1, wherein said marking apparatus is a color marking apparatus adapted to print the selected image to be printed on a hardcopy print (please note page 3 paragraph 0031).

Regarding claim 4 Monty et al disclose: A printer according to claim 3, further comprising a processor which receives the transferred images from the digital medium interface said processor being adapted to control the color marking apparatus the digital medium interface and the graphical user interface (please note Fig.2 items 26 the processor item 24 the digital medium and item 34 the interface, page 3 paragraph 0034).

Regarding claim 5 Monty et al disclose: A printer according to claim 1, wherein said digital medium interface is a removable memory card interface (please note Fig.2 item 24 page 3 paragraph 0034 lines 1-6).

Regarding claim 6 Monty et al disclose: A printer according to claim 1, wherein said digital medium interface is a compact disk reader (please note page 3 paragraph 0034).

Regarding claim 7 Monty et al disclose: A printer according to claim 4, further comprising a camera interface adapted to transfer captured images from an electronic camera to the processor (please note page 3 paragraph 0031).

Art Unit: 2626

Regarding claim 8 Monty et al A printer according to claim 1, wherein the user controls comprise menu buttons for selecting images to be uploaded to the network (please note Fig.8 page 10 lines 1-8).

Regarding claim 9 Monty et al disclose: A printer according to claim 1, wherein the user controls enable a selection of a preferred photo product from a plurality of photo products (please note page 10 paragraph 0085).

Regarding claim 10 Monty et al disclose: A printer according to claim 9, further comprising a color image display, wherein the plurality of photo product options are displayed on the color image display (please note page 10 paragraph 0085, lines 56-64).

Regarding claim 11 Monty et al disclose: A printer according to claim 1, wherein the network connection is adapted to download images from the network for storage prior to local printing, the downloaded images being recalled for use during printing (please note page 9 paragraph 0082 where images are downloaded from the computer and retrieved in later for printing).

Regarding claim 12 Monty et al disclose: A printer according to claim 2, wherein the user controls enable the selected image to be cropped prior to printing (please note page 3 paragraph 0036).

Regarding claim 13 Monty et al disclose: A printer according to claim 12, wherein the cropped image is displayed on the color image display prior to printing (please note page 1 paragraph 0005).

Art Unit: 2626

Regarding claim 14 Monty et al disclose: A printer according to claim 13, wherein the images stored on the digital storage medium include thumbnail images and the display of the cropped image display is provided by cropping the thumbnail image (please note page 4 paragraphs 0044 and 0045).

Regarding claim 15 Monty et al disclose: A printer according to claim 2, wherein the user controls enable the selected image to be rotated prior to printing (please note page 4 and 5 paragraph 0047).

Regarding claim 16 Monty et al disclose: A printer according to claim 15, wherein the rotated image is displayed on the color image display prior to printing (please note page 7 paragraph 0061).

Regarding claim 17 Monty et al disclose: A printer according to claim 16, wherein the images stored on the digital storage medium include thumbnail images and the rotated image display is provided by rotating the thumbnail image (please note pages 4 and 5 paragraph 0047).

Regarding claim 18 Monty et al disclose: A printer according to claim 16, wherein a rotation setting selected for a particular image is stored in a digital memory in the printer prior to printing and recalled for use during printing (please note page 5 paragraph 0047).

Regarding claim 19 Monty et al disclose: A printer according to claim 1, wherein the user controls enable the selected image to be combined with a frame image prior to printing to form a combined image (please note page 5 paragraph 0048).

Regarding claim 20 Monty et al disclose: A printer according to claim 19, wherein the combined image is displayed on a color image display of the printer prior to printing (please note page 3 paragraph 0034).

Regarding claim 21 Monty et al disclose: A printer according to claim 20, wherein the frame selected for the particular image is stored in a digital memory in the printer prior to printing and recalled for use during printing (please note page 6 paragraph 0057).

Regarding claim 22 Monty et al disclose: A printer according to claim 1, wherein the user controls enable the specific image to be: overlaid with a text message prior to printing (please note page 5 paragraph 0048).

Regarding claim 23 Monty et al disclose: A printer according to claim 22, wherein the overlaid image is displayed on the color image display of the printer prior to printing (please note page 3 paragraph 0034).

Regarding claim 24 Monty et al disclose: A printer according to claim 22, wherein the text message selected for a particular image is stored in a digital memory in the printer prior to printing and recalled for use during printing (please note page 6 paragraph 0057).

Regarding claim 25 Monty et al disclose: A printer according to claim 1, wherein the user controls enable a brightness of the specific image to be modified (please note page 4 paragraph 0046).

Art Unit: 2626

Regarding claim 26 Monty et al disclose: A printer according to claim 25, wherein the brightness modified image is displayed on a color image display of the printer prior to printing (please note page 10 paragraph 0085).

Regarding claim 27 Monty et al disclose: A printer according to claim 26, wherein a brightness setting selected for a particular image is stored in a digital memory in the printer prior to printing and recalled for use during printing (please note page 3 paragraph 0037).

Regarding claim 28 Monty et al disclose: A printer according to claim 1, wherein the color marking apparatus includes a removable ink jet head (please note page 3 paragraph 0033).

Regarding claim 29 Monty et al disclose: A printer according to claim 28, wherein the graphical user interface includes a graphical image depicting the amount of ink remaining in the ink jet head (please note page 5 paragraph 0051).

Regarding claim 30 Monty et al disclose: A printer according to claim 1, wherein said network provides a communication with a fulfillment center which is adapted to provide a photo product that includes the selected image (please note page 10 lines 1-8 and also page 10 paragraph 0085 lines 28-64 where the images are displayed through the display unit 34 and using pushbuttons 32 photo product are being made out of the image in terms of number of copies or size of the image).

Regarding claim 31 Monty et al disclose: A printer according to claim 1, wherein said network provides a communication with a fulfillment center which is adapted to provide photofinishing services to said selected image (please note page 3 paragraph

Art Unit: 2626

0038 and also page 10 paragraph 0085 lines 28-64 where the images are displayed through the display unit 34 and using pushbuttons 32 photo product are being made out of the image in terms of number of copies or size of the image).

Regarding claim 32 Monty et al disclose: An imaging apparatus adapted to produce hardcopy prints (please note Fig.1 item 13) the apparatus comprising:

4. an interface arrangement adapted to transfer images stored on a digital storage media (please note Fig.1 item 20 which transfers digital images from the camera 12 to the printer, page 3 paragraph 0031) the transferred images being viewable on a display screen of the imaging apparatus (please note page Fig.2 item 34) a communication arrangement for transferring images to a network (please note Fig.1 item 20) and user controls adapted to select local or remote network printing of the images stored on the digital storage media (please note Fig.8 items 32 and 34, page 3 paragraph 0034) wherein the selection of the remote network for printing of the images enables a display on said display screen of a plurality of photo product options that can be fulfilled at a remote site (page 10 paragraph 0085 lines 38-64 and specifically lines 56-64 where Monty et al teach the way the products were chosen through the pushbutton 32 which were displayed on the display unit 34, the term photo-product used in the claim language is defined the photo-product is number of the copies or print size parameter or setting of the brightness are the photo-products which could be fulfilled on the fulfilled center).

Regarding claim 33 Monty et al disclose: An apparatus according to claim 32, wherein said user controls include a control button for selecting an image of said stored

Art Unit: 2626

images to be printed on a remote hardcopy printer connected to a network while viewing the stored images on the display screen. of the printer (please note page 10 lines 1-8).

Regarding claim 34 and 36 Monty et al disclose: A method of producing prints, the method comprising the steps of a) electronically capturing images by way of an electronic camera (please note Fig.1 item 12 the digital camera) b) transferring the captured images to a printer (please note Fig.1, page 3 paragraph 0031) c) displaying the captured images on a display screen on the printer (please note Fig.8 page 3 paragraph 0034) d) selecting a specific image to be printed from the captured images (please note page 3 paragraph 0036) and e) uploading the selected image to a network for remote printing (please note page 10 lines 1-8) display of plurality of photo-product options that can be fulfilled at a remote site on the display screen (page 10 paragraph 0085 lines 38-64 and specifically lines 56-64 where Monty et al teach the way the products were chosen through the pushbutton 32 which were displayed on the display unit 34, the term photo-product used in the claim language is defined the photo-product is number of the copies or print size parameter or setting of the brightness are the photo-products which could be fulfilled on the fulfilled center).

Regarding claim 35 Monty et al disclose: A method according to claim 34, wherein said step of transferring the captured images to the printer comprises storing the captured images on a digital storage medium and inserting the digital storage medium into an interface on said printer (please note Fig.2 item 24 page 3 paragraph 0034).

Art Unit: 2626

Regarding claim 37 Monty et al disclose: A self-contained digital printer for producing hardcopy prints from images captured using a digital camera (please note Fig.2 item 12 page 4 paragraph 0043) the printer comprising: a marking apparatus adapted to provide images on a print (please note Fig.8 item 22 the proof sheet that prints images on the paper, page 3 paragraph 0031 lines 7-9) a camera interface for connecting the digital printer to a digital camera to enable the printer to receive a plurality of digital images from the digital camera (please note page 4 paragraph 00432) the printer comprising a color image display (please note Fig.2 item 34 page 3 paragraph 0034) a network interface for communicating with a network coupled to a remotely located printing system; a processor for communicating with the marking apparatus, the camera interface, and the network interface; and a user interface coupled to the processor for selecting one of the plurality of digital images from the digital camera and for selecting a first printing mode which prints the selected digital image using the marking apparatus and a second printing mode which prints the selected image using the remotely located printing system wherein in the second printing mode the color image display provided a menu of selectable printing options for the remotely located printing system (please note page 10 lines 1-8 and page 10 paragraph 0085 lines 38-64 and specifically lines 56-64 where Monty et al teach the way the products were chosen through the pushbutton 32 which were displayed on the display unit 34, the term photo- product used in the claim language is defined the photo-product is number of the copies or print size parameter or setting of the brightness are the photo –products which could be fulfilled on the fulfilled center).

Regarding claim 38 Monty et al disclose: A printer according to claim 37, wherein the camera interface includes an electrical connector that directly mates with a corresponding connector on the digital camera (please note page 9 paragraph 0083).

Regarding claim 41 Monty disclose: A printer according to claim 37, wherein the printer further comprises a color image display (please note page 3 paragraph 0034).

Regarding claim 42 Monty et al disclose: A printer according to claim 41, wherein the color image display pivots from a closed protected position to a viewable position (please note page 3 paragraph 0034 lines 13-18).

Regarding claim 43 Monty et al disclose: A printer according to claim 41, wherein in the second printing mode, the color image display provides a menu of selectable printing options for the remotely located printing system (please note page 10 lines 1-8).

Regarding claim 44 Monty et al disclose: A printer according to claim 43, wherein the menu is displayed only when the network interface is connected to the remotely located printing system (please note page 9 and 10 paragraph 0083).

Regarding claim 45 Monty et al disclose: A printer according to claim 43, wherein in the second mode, the color image display is used to display a shipping address to be used by the remotely located printing system (please note page 10 lines 1-8).

Regarding claim 46 Monty et al disclose: A printer according to claim 45, wherein the shipping address is provided from a user account which includes billing information (please note page 7 paragraph 0062).

Art Unit: 2626

Regarding claim 47 Monty et al disclose: A printer according to claim 45, wherein the shipping address is provided from a user account established when the printer was purchased or rented (please note page 6 and 7 paragraph 0059).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monty et al (Pub. No.: US 20010019416) in view of Kondo et al (US Patent 6,151,652).

Regarding claim 39 Monty et al do not disclose: A printer according to claim 37, wherein the camera interfaces uses the USB interface. On the other hand Kondo et al disclose: A printer according to claim 37, wherein the camera interfaces uses the USB interface (please note column 9 lines 48-59). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to Monty et al's invention according to the teaching of Kondo et al, where Kondo et al in the same filed of endeavor teach the way USB interface is used to transmit images from the camera to the printer for purpose of upgrading the interface for having a power supply ability.

Regarding claim 40 Kondo et al disclose: A printer according to claim 37, wherein the camera interfaces uses the IEEE 1394 interface (please note column 9 lines 48-53).

Art Unit: 2626

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

➤ Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

Art Unit: 2626

(703) 872-9306, or (703) 308-9052 (for **formal** communications; please mark

"EXPEDITED PROCEDURE")

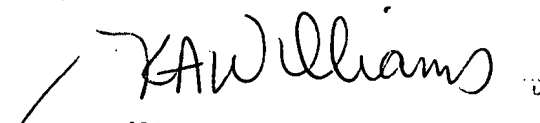
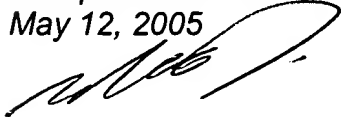
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(703) 306-5406 (for **informal** or **draft** communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Knox building on 501 Dulany Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
May 12, 2005



KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER